



NORTHERN NECK REGIONAL JAIL

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Ms. Marlene H. Dortch
445 12th Street, S.W.
Room TW-A325
Washington, D.C. 20554

Re: Rates for Interstate Inmate Calling Services, WC Docket
No. 12-375

Dear Ms. Dortch,

On July 8th, the Virginia Association of Regional Jails revisited with FCC staff, to discuss the FCC's projected timeline concerning their ICS rule, additional information the FCC would like to review, as well as to better understand the FCC's decision regarding implementation of their ICS intrastate rule.

The Virginia Association of Regional Jails (VARJ), a professional association comprised of 23 regional jails, serving half of Virginia's political jurisdictions. Attendees included VARJ Legislative Chairman Superintendent Ted Hull and Legislative Committee Members Superintendent Jeffery Newton, and Superintendent Chris Smith. Within the FCC: Lynne Engledow, Rhonda Lien, Miriam Strauss, Thomas Pansi, Bakari Middleton, Pam Asyuk, Gil Strobel from the Policy Pricing Division of the Wireline Competition Bureau, and Madeline Findley from the Wireline Competition Bureau Front Office participated.

To begin, VARJ attendees again emphasized the local penological differences in Virginia. A significant initial discussion involved the incorporation of regional jails and how they reflect the public policy priorities of their member jurisdictions. Specifically, there was discussion concerning the nature of contracts entered into by a regional jail and whether they extend to their member jurisdictions. The jail representatives informed the Committee that while a regional jail may have a member jurisdiction that retains a local jail any contractual decision made by the regional jail does not extend to the participating jurisdiction.

Additionally, Association representatives stated their position that the only stakeholder that was going to benefit from FCC action on this issue would be the industry service providers. When asked by Committee members as to the basis for that position, the Association representatives advised the Committee that while the inmate's families may benefit from lower call rates the, the loss of revenue realized by the jurisdiction will have to be made up, or hard budgetary decisions would have to be made.

As an example, philosophic arguments to the contrary, in a practical sense if a rural county with finite resources is financially forced to choose between computers for 4th grade students in the elementary school or computers for inmates in the jail then those choices are easily predictable.

The bulk of the meeting focused on four (4) primary concerns shared across Virginia's regional jails:

1. Timing – Association representatives asked the Committee when the decision about intrastate call rates was going to be made and when was it going to be published. The Committee advised that while Commissioner Clyburn remains committed to implementing an intrastate rule, the process was still

active and ongoing. As at the moment of the ex parte meeting no decision had been made. Jail representatives were instructed how public notification was managed.

2. Cost Recovery – Association representatives asked if any potential rule would include cost recovery. The Committee advised that while it could not specifically comment; cost recovery remained part of the deliberative process and would be addressed in any final rule.
3. In Kind Allowances – Association representatives asked if any potential rule would allow contractual “in kind” (minimum annual guarantees (MAGs) or space rentals, etc.) compensation. The Committee advised that while it could not specifically comment; “in kind” compensation remained part of the deliberative process, “it was still on the table” and would be addressed in any final rule.
4. Commissions - Association representatives asked if any potential rule would allow contractual commission or revenue compensation. The Committee advised that while it could not specifically comment; commission compensation remained part of the deliberative process, “it was still on the table” and would be addressed in any final rule.

Association representatives advised the Committee that the Committee’s current stated position on “in kind allowances” and commission payments reflected an evolution in its previous statement relayed to the Association in an August 13, 2014 ex parte meeting between the Committee and the Association. In that meeting, the expressed general thought of the Committee as understood by the Jail representatives was that the FCC thought financial compensation provided to the

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Jails was the source of the perceived problem and that the FCC envisioned a time where the "marketplace" would "properly" work. The only consideration permitted for contract award would be how low the cost of an inmate call would be.

The Virginia Association of Regional Jail's leadership and its members greatly appreciate the FCC's time and willingness to meet regarding the ICS rule, and the agency's open-mindedness throughout the entire process.

The Association urges the Committee to bring resolution to this issue as soon as possible to the benefit of all.

Respectfully,

A handwritten signature in cursive script, appearing to read "T. Hull", written in black ink.

Ted Hull, CJM
Superintendent
Northern Neck Regional Jail
VARJ Legislative Committee Chairman